

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Nicholas Scott Harris**

**Docket No. 4:10-CR-42-2BO**

**Petition for Action on Supervised Release**

COMES NOW Jay Kellum, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nicholas Scott Harris, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possession With Intent to Distribute a Quantity of Cocaine, in violation of 21 U.S.C. § 846 and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on November 10, 2010, to the custody of the Bureau of Prisons for a term of 75 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

On November 3, 2014, pursuant to 18 U.S.C. § 3582(c)(2) of the Federal Rules of Criminal Procedure, the defendant's sentence of imprisonment in Count 1 was reduced to 13 months, for a total of 73 months imprisonment.

Nicholas Scott Harris was released from custody on October 30, 2015, at which time the term of supervised release commenced.

On July 19, 2017, the defendant's case was reassigned from Senior U.S. District Judge, James C. Fox to U.S. District Judge, Terrence W. Boyle.

A violation report was submitted to the Court on July 24, 2017, advising that the defendant had committed the offense of Driving While License Revoked in Pitt County, North Carolina.

A Petition for Action on Supervised Release was submitted on February 22, 2018, after the defendant committed the offenses of Driving While License Revoked; No Operator's License; and Expired or No Inspection in Pitt County, North Carolina. On February 23, 2018, the Court approved the petition requiring the defendant to adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days with location monitoring equipment.

A violation report was submitted to the Court on October 9, 2018, advising that the defendant had committed the offense of Driving While License Revoked Not Impaired Revocation in Lenoir County, North Carolina.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On September 27, 2018, the defendant committed the offense of, and was charged with, Driving While License Revoked Not Impaired Revocation. On October 11, 2018, the undersigned confronted the defendant with his new criminal conduct. The defendant admitted to driving a vehicle, and stated he was en route to the Lenoir County Hospital Emergency Room to be seen for a virus. When asked for documentation, the defendant could not provide same. Therefore, as a sanction for the violation conduct, it is respectfully recommended that the defendant's term of supervised release be continued and as a sanction, the defendant is to complete 20 hours of community service, at the direction of the U.S. Probation Office.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 20 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Jay Kellum  
Jay Kellum  
U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546-6762  
Phone: 910-346-5109  
Executed On: November 1, 2018

**ORDER OF THE COURT**

Considered and ordered this 1st day of November, 2018, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
Chief U.S. District Judge